

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES SCOTT THOMAS,)
Plaintiff)
)
vs.) Civil Action No. 07-40J
) Judge Kim R. Gibson/
PENNSYLVANIA DEP'T OF CORR.;) Magistrate Judge Amy Reynolds Hay
CUTSHALL; OFFICER EVERHART;)
GREENLEAF; OFFICER HARPSTER;)
SUPERINTENDENT GEORGE)
PATRICK; REGIONAL DEPUTY)
SECRETARY WILLIAM STICKMAN;)
YOUNKIN; JOHN DOES, in their)
individual and official capacities,)
Defendants)

ORDER

AND NOW, this 4th day of January, 2008, after the Plaintiff,

Charles Scott Thomas, filed an action in the above-captioned case, and after the Commonwealth Defendants filed a Motion to Dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record and the motion, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Commonwealth Defendants' Motion to Dismiss [15] is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, reading "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written in a larger, more prominent script, followed by "R." and "Gibson".

KIM R. GIBSON
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

cc: Evalynn B. Welling, Esq.
Mary Walsh, Esq.
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